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Serial No.: 10/645,885
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BRIEF FOR APPELLANT

Sir:

This is a Brief on appellant's Appeal from the Examiner's Final Rejection concerning the above-identified application.

The Commissioner is hereby authorized to charge any additional fees, which may be required to our deposit account No. 12-1155, including all required fees under: 37 C.F.R. §1.16; 37 C.F.R. §1.17; 37 C.F.R. §1.18.; 37 C.F.R. §1.136.

BRIEF FOR APPELLANT

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I. REAL PARTY IN INTEREST

Unilever Home & Personal Care USA, Division of Conopco, Inc. is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

There are no other prior or pending appeals or interferences or judicial proceedings known to appellant, the appellant's legal representative, or assignee which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending Appeal.

III. STATUS OF CLAIMS

Claims 1, 3-4 and 7-22 are on Appeal. Claims 2 and 5 have been canceled. Claim 6 has been withdrawn as a non-elected invention in a Restriction Requirement under 35 U.S.C. § 121. Original claims 1, 3, 4 and 7-18 were amended during prosecution and claims 19-22 were added but not subsequently amended.

IV. STATUS OF AMENDMENTS

No claims were amended subsequent to the Final Office Action.

V. SUMMARY OF CLAIMED SUBJECT MATTER

Claim 1 is directed to a non-woven hydroentangled textile. It is formed in cross-section with a central area of low basis weight surrounded on both sides by areas of

higher basis weight. The areas of higher basis weight are formed of fibers consisting of synthetic fibers. The textile has an Air Permeability ranging from 300 to 1000. The textile is incapable of separation into multiple layers after formation without destruction. See the specification at page 2, paragraph [0005]; page 8, paragraph [00022]; and page 14, paragraph [00032].

Dependent claim 3 identifies the areas of higher basis weight on both sides in sum total relative to the central area of low basis weight as having a basis weight ratio ranging from about 10:1 to about 2:1. Dependent claim 4 further narrows the range to cover from about 6:1 to 2:1. See the specification at page 6, paragraph [00013].

Independent claim 7 focuses upon a personal cleansing article which includes a non-woven hydroentangled textile onto which a personal cleansing composition comprising lathering surfactant is deposited or impregnated or at least partially enclosed therewith. See the specification at pages 2-3, paragraph [0006] and page 14, paragraph [00032].

Claim 8 dependent from claim 7 specifies that the lathering surfactant is present in an amount from about 0.1 to about 30% by weight of the composition. See the specification at page 10, paragraph [00025].

Claim 9 which depends from claim 7 identifies the personal cleansing composition as further comprising from about 0.1 to about 35% by weight of a water-soluble or water-insoluble skin conditioning agent. See the specification at page 11, paragraph [00026].

Claim 10 dependent from claim 7 identifies the personal cleansing composition as further comprising effervescent ingredients capable of generating a foam upon contact with water. See the specification at page 9, lines 22-23.

Claim 11 dependent from claim 10 identifies the effervescent ingredients as comprising an acid and a bicarbonate salt. See the specification at page 10, paragraph [00024].

Claim 12 dependent from claim 7 notes the areas of higher basis weight on both sides in sum total relative to the central area of low basis weight has a basis weight ratio ranging from about 10:1 to about 2:1. See the specification at page 6, paragraph [00013].

Claim 13 dependent through textile claim 1 identifies the areas of higher basis weight as being formed of polypropylene. See the specification at page 7, line 4.

Claim 14 dependent through textile claim 1 recites the areas of higher basis weight on both sides in sum total relative to the central area of low basis weight having a basis weight ratio ranging from 4:1 to 2:1. See the specification at page 6, paragraph [00013].

Claim 15 dependent from article claim 7 recites the areas of higher basis weight as being formed of polypropylene. See the specification at page 7, line 4.

Claim 16 dependent from article claim 7 identifies the area of higher basis weight on both sides in sum total relative to the central area of low basis weight as having a

basis weight ratio ranging from 4:1 to 2:1. See the specification at page 6, paragraph [00013].

Claim 17 dependent from textile claim 1 identifies the area of low basis weight as consisting of fibers selected from polyethylene terephthalate, polypropylene, polyamide, polyethylene and fiber combinations thereof. Claim 18 dependent from article claim 7 recites a similar Markush group. See the specification at page 4, paragraph [00011].

Independent claim 19 recites a non-woven hydroentangled textile formed in cross-section with a central area of low basis weight surrounded on both sides by areas of higher basis weight. See the specification at page 2, paragraph [0006]. The areas of higher basis weight are formed of fibers consisting of polypropylene. See the specification at page 7, line 4. The textile has an Air Permeability ranging from 300 to 1000. See the specification at page 14, paragraph [00032].

Claims 20, 21 and 22 are dependent respectively from claims 1, 7 and 19. All these claims identify the Air Permeability as ranging from 500 to 1000. See the specification at page 14, paragraph [00032].

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Is the term "synthetic fibers" found in claims 1, 3-4 and 7-18 new matter under 35 U.S.C. § 112, first paragraph?

Are claims 1, 3-4, 13-15, 17 and 19-22 obvious under 35 U.S.C. § 103(a) over Suskind et al. (U.S. Patent 4,808,467) equivalent to EP 0 308 320 A in view of Bouchette (U.S. Patent 6,110,848)?

Are claims 7-9, 12, 16 and 18 obvious under 35 U.S.C. § 103(a) over Suskind et al. (U.S. Patent 4,808,467) and Bouchette (U.S. Patent 6,110,848) in further view of Wagner et al. (U.S. Patent 5,951,991)?

Are claims 10 and 11 obvious under 35 U.S.C. § 103(a) over Suskind et al. (U.S. Patent 4,808,467), Bouchette (U.S. Patent 6,110,848) and Wagner et al. (U.S. Patent 5,951,991) in further view of Bergquist (U.S. Patent 6,723,330 B2)?

VII. APPELLANT'S ARGUMENTS

Is the term “synthetic fibers” found in claims 1, 3-4 and 7-18 new matter under 35 U.S.C. § 112, first paragraph?

There is no dispute regarding support for the term “polypropylene fibers”. Polypropylene is a species of synthetic fiber and representative of the generic synthetic fiber category. Those of skill in the art well understand that polypropylene is representative of synthetic fibers. Indeed, the Examiner has cited Bouchette (U.S. Patent 6,110,848) for the proposition that synthetic fibers would be a replacement for wood pulp, and that polypropylene is recognized as a synthetic fiber. Based on the Bouchette citation, there can be little doubt that those skilled in the art equate polypropylene as a synthetic fiber and that the generic term is implied into the specific fiber example.

There is a still further reason for not considering “synthetic fibers” as new matter. Appellant’s specification at page 8, paragraph [00022] lists a series of patent publications which are “all herein incorporated by reference”. These all explicitly

disclose "synthetic" fibers and identify polypropylene as a representative one. See U.S. Patent 6,280,757 (McAtee et al.) at column 5, lines 35 and 47; U.S. Patent 5,980,931 (Fowler et al.) at column 5, lines 55 and 67; WO 00/42961 (Smith) at page 6, lines 1 and 8; and WO 01/08542 (Cen et al.) at page 41, line 32, bridging to page 42, line 2.

The present application under paragraph [0022] presents the following disclosure.

"Textiles of the present invention may be utilized as implements in personal care cleansing products which may be appropriate for single use purposes. In these products, the textile may be impregnated or coated with a lathering surfactant and optionally skin conditioners. Representative of this technology are disclosures found in U.S. Patent 6,280,757 (McAtee et al.), U.S. Patent 5,980,931 (Fowler et al.), WO 00/42961 (Smith) and WO 01/08542 (Cen et al.), all herein incorporated by reference. Alternatively, the textile can be incorporated into a sachet with at least one wall of the sachet formed from a textile of the present invention and optionally other walls of the sachet formed from a variety of other water-insoluble woven or non-woven fabrics. A lathering surfactant and optionally conditioners may in dry particulate form be enclosed within the sachet. These products are exemplified and described in U.S. Patent 6,063,390 (Farrell et al.) herein incorporated by reference." (italics emphasis added)

It is clear that the incorporated by reference documents provide background on textiles. The term "textile(s)" appears four times in the above-excerpt which surrounds the incorporated references. Contrary to the Examiner's opinion, paragraph [0022] is not inserted primarily as an incorporation to show methods of impregnation or coating. The listed documents within paragraph [0022] have at least as much purpose and were intended to present further information on suitable textiles. The incorporated documents give full support to the term "synthetic fibers".

Are claims 1, 3-4, 13-15, 17 and 19-22 obvious under 35 U.S.C. § 103(a) over Suskind et al. (U.S. Patent 4,808,467) equivalent to EP 0 308 320 A in view of Bouchette (U.S. Patent 6,110,848)?

Suskind is focused upon a textile containing wood pulp. Throughout the reference wood pulp is given great emphasis. See column 1 (lines 6, 10, 14, 59 and 65), column 2 (lines 14-15, 32, 37, 39, 42, 46, 50, 63 and 66-67), column 3 (lines 1, 46, 53, 60, 63 and 68), column 4 (lines 38 and 40) as well as all the independent claims (i.e. claims 1, 13 and 14). Without exception the Examples all require an outer wet laid web of at least 60% wood pulp. The problems, objectives and solutions in Suskind all involve issues of wood pulp fibered textiles.

By contrast, the presently claimed invention is a hydroentangled textile formed of only synthetic fibers such as polypropylene on both sides. There is no wood pulp problem that is being solved nor is wood pulp incorporated into this textile. Anyone skilled in the art in developing a non-wood pulp containing textile would not consider Suskind as a relevant reference. The properties and effective use of wood pulp based fabric is quite distinct from essentially totally synthetic fibered textiles.

Suskind does not disclose the Air Permeability of 300 to 1000. Appellant has demonstrated the special effectiveness for samples having an Air Permeability within the claimed range. Attention is drawn to the present specification at page 13. The Table under paragraph [00032] compares Air Permeability to Lather Release. Samples I and VI with Air Permeabilities of respectively 266 and 250 had poor ratings for Lather Release. Performance began to increase to at least a fair level above these values. For instance, samples IV and V with Air Permeability values of 371 and 341 revealed fair

Lather Release properties. Further improvements were seen through sample II, III and VII with respective Air Permeability of 477, 678 and 529.

Suskind appears to use the same Air Permeability ASTM D737 test as utilized by appellant. Example 4 of Suskind reports an Air Permeability value of 148. See Table III. Example VI reports resultant fabric with Air Permeability of 248. See Table V. These values are less than the minimum 300 value required by the claims. Moreover, appellant has demonstrated that even the highest Air Permeability value of Suskind, i.e. 248 will result in a poor Lather Release result. Compare appellant's Sample VI at page 13.

The Examiner argues that Air Permeability can be manipulated by those of ordinary skill in the art. Examples 4 and 5 of the reference were cited as evidence. Example 4 was identified as utilizing a support woven transfer belt with lower air permeability than the one used in Example 5. The resultant fabric of Example 4 gave a non-apertured appearance while that of Example 5 appeared apertured. From these teachings, the Examiner considered that those of ordinary skill could modify permeability with the motivation of producing a material with a higher degree of absorption capacity.

Appellant considers inappropriate any comparison between the composite fabrics of Examples 4 and 5. In Example 4, the resultant composite fabric is a sandwich of three layers. The middle layer which has been supported on an 200 cfm air permeability transfer belt becomes an internal layer. Surface characteristics of this middle layer are internal; the surface cannot be seen. Any nonapertured appearance and soft/pliable properties are that of the composite.

By contrast, Example 5 has only two layers. One of those layers (necessarily an outer one) undoubtedly has the imprint of the transfer belt. This imprint may indeed be gauze like in appearance. One does not know whether that gauze like appearance would exist if it were sandwiched with a third layer and would no longer represent an outer surface. Thus, the Examiner's analogy between examples 4 and 5 is significantly deficient.

Bouchette discloses a three layered hydroentangled web. The outer plys are of synthetic fiber and sandwich a wood fiber pulp layer. The disclosure mentions that the middle layer could comprise short length cellulosic fiber or optionally short length synthetic fiber. See column 1, lines 7-10 and column 3, lines 10-11. Based on this disclosure, the Examiner contends that the wood pulp of Suskind could be replaced by synthetic fiber.

Appellant agrees that Bouchette does disclose the possibility of substituting wood pulp for synthetics in the middle layer. Yet those reading this reference would hardly elect synthetic fiber as the choice of fiber. Bouchette is riddled with strong suggestion to utilize wood pulp as a middle layer of a three ply sandwiched web. The representative drawing (Fig. 9) is placed on the cover sheet. Fig. 9 clearly emphasizes "Short Fiber Wood Pulp". Also, all of the inventive examples of Bouchette (identified as Hx4A, Hx5, and Hx10) have at least 60% wood pulp. See Table 1 and column 4, lines 48-51.

In the Final Office Action, the Examiner noted that appellant's claim 1 does not require the central area to consist of synthetic fibers. Appellant does not disagree to the extent of claim 1 (but not to the extent of dependent claim 17). Relative to Suskind, the issue is not the central area but the teachings that the outer areas must be of wood pulp.

Appellant's claim 1 is clear that these outer areas sandwiching the central area must consist of synthetic fibers. This goes against the fundamental teaching of Suskind.

According to the Final Office Action the Bouchette reference reports a hydroentangled web of improved performance, handfeel and cost attributes. These features were said to provide motivation for maximizing these aspects in Suskind.

Appellant respectfully disagrees. If the skilled chemist followed Bouchette, the outcome would be a replacement of Suskind with Bouchette not a supplementation. The Examiner needs Suskind for its disclosure of higher basis weight areas surrounding the central area. Bouchette is totally silent with respect to this aspect of appellant's claims. The basis weight of Suskind has much to do with wood pulp fiber content being within the two outer layers sandwiching the central area. Remove the wood pulp and you significantly change (and likely invert) basis weights from outer layer to central layer.

Of interest is that Bouchette understands basis weight. This parameter is found in Table 1. The combination of hydroentangled layers is given a basis weight value. Yet tellingly there is no basis weight given to each of the separate two or three layers that constitute the sample hydroentangled textile. Bouchette simply has no appreciation that the textile must have a certain gradation of basis weight, with the higher basis weight surrounding a central area of lower basis weight.

A further argument of the Examiner is that the claimed Air Permeability would be an inherent feature of the prior art structures.

Appellant again respectfully disagrees. Air Permeability is at least as much fashioned through the process as through the types of fibers utilized. It is a measure of

a certain physical characteristic of the textile. We are not dealing with mysterious parameters but a mainstream physical property. Neither Suskind nor Bouchette are concerned with providing textiles impregnated with lathering surfactants. By contrast, the present invention seeks to present a suitable textile for use with a lathering surfactant. Attendant to the end use is necessity for the textile to have a good lather release. The cited art does not appreciate the necessity for such construction because focus is upon textile strength, handfeel and cost. The prior art textiles are not engineered to achieve the claimed Air Permeability which would result in an improved lather release. Earlier noted is that Suskind does report certain Air Permeability values but these are significantly below the minimum 300 value required by the claims. One cannot see how Bouchette who is silent on Air Permeability could provide guidance toward the presently claimed invention.

In the Final Office Action, the Examiner has sought to marginalize claims 17 and 18. It was said that Bouchette teaches use of polyolefins, polyethylenes, polypropylenes, polyesters, polyamides, among other suitable synthetic fibers. Attention was drawn to column 4, lines 17-20. The Examiner interpreted such teaching as encompassing synthetic fibers in the upper and bottom areas as well as the middle layer with short synthetic fibers.

Appellant respectfully disagrees. Bouchette states that "the great advantage of my three ply web is that it comprises about 40 to 90 weight % cellulosic fiber and only about 10 to 60 weight % synthetic fibers while having the handfeel and other optimum properties of an all synthetic web". See column 3, lines 14-18. This section is taken from the Summary of the Invention. The Abstract reconfirms this view by stating that the middle ply comprises cellulosic fibers. Also see column 1, lines 10-15. There it states that "the webs of my invention have the handfeel and properties of the much more costly

100% synthetic fiber products while comprising about 40 to 90 weight % wood pulp or related cellulosic fiber". (emphasis added)

A combination of Suskind in view of Bouchette would not render the instant invention obvious. Neither Suskind nor Bouchette disclose the Air Permeability of 300 to 1,000. Appellant has demonstrated the special effectiveness of samples having an Air Permeability within the claimed range. Secondly, Suskind gives great emphasis to the use of wood pulp. Without exception the Examples all require an outer wet laid web of at least 60% wood pulp. The problems, objective and solutions in Suskind all involve issues of wood pulp fibered textile. Bouchette similarly emphasizes the use of wood pulp fibers. Although a possible substitution with synthetic fibers is disclosed as possible, the whole tone of Bouchette is to overcome a wood pulp fiber problem without eliminating wood pulp. This is seen in the sole diagram of a hydroentangled web cross-section and in the comparative examples. There simply is no teaching or incentive for Suskind to delete wood pulp based on the Bouchette disclosure which is riddled with wood pulp technology. Based on all the foregoing considerations, those skilled in the art would not have arrived at the present claims in consideration of the combined references.

Are claims 7-9, 12, 16 and 18 obvious under 35 U.S.C. § 103(a) over Suskind et al. (U.S. Patent 4,808,467) and Bouchette (U.S. Patent 6,110,848) in further view of Wagner et al. (U.S. Patent 5,951,991)?

Neither Suskind nor Bouchette disclose the Air Permeability of 300 to 1000. Appellant has demonstrated special effectiveness of samples having an Air Permeability within the claimed range. Secondly, Suskind gives great emphasis to the use of wood pulp. Their invention is stated as relating to "fabric comprising a relatively high

proportion of wood pulp fibers...". See column 1 (lines 7-10). The problems, objectives and solutions in Suskind all involve issues of wood pulp fibered textile. Appellant's claimed textile in areas above and below a central area do not contain wood pulp but consist only of synthetic fibers. In Suskind, areas surrounding the central area must all contain substantial wood pulp content. By contrast, the present invention purposefully avoids wood pulp. The claimed construction has been found highly advantageous as a substrate for lathering surfactants fashioned in total as a cleaning implement. Suskind has a different use, namely as household cloths, food service wipes and industrial machinery wipes – none of which include lathering surfactants.

Bouchette was relied upon by the Examiner as teaching polypropylene fiber construction in a top and bottom ply of a wipe. The Examiner considered it obvious to replace the wood pulp of Suskind with the polypropylene fibers of Bouchette.

Fundamental to Suskind is the presence of substantial wood pulp in the outer plies of a wipe. Those skilled in the art seeking to operate within the context of Suskind (i.e. a wood pulp based product) would have no motivation to substitute the Bouchette polypropylene fibers into those outer layers. Indeed, Bouchette references Suskind et al. noting the inferior performance, handfeel and cost attributes of the prior art. See column, lines 29 and 35-45. The skilled chemist is thereby taught to replace but not augment Suskind with Bouchette. Yet such replacement would not result in the presently claimed outer areas of higher basis weight surrounding a central area of lower basis weight. Bouchette is totally silent with respect to this fundamental aspect of the present invention.

The Examiner has correctly noted that Suskind et al. does not disclose or teach cleansing compositions comprising a lathering surfactant for use with a non-woven hydroentangled textile.

Wagner et al. was cited for disclosing lathering surfactants combined with hydroentangled textiles.

There are countless textiles available. Wagner et al. itself provides a formidable list of suitable textiles. See column 5 (line 60) bridging to column 8 (line 42). None of the recited water insoluble substrates have a construction of any similarity to that of Suskind. Indeed, Suskind under Example 4 compares their inventive fabric favorably against a commercially available textile identified as Sontaro® from the Dupont Company. In Wagner one of the suitable substrates is also Sontaro®. See column 8 (line 4). While the Wagner reference to Sontaro® might not be a teaching away, nonetheless this indicates that those skilled in the art would not obviously be led to the Suskind textiles for use with a lathering surfactant fabric.

Neither Suskind nor Wagner et al. nor Bouchette disclose the Air Permeability of 300 to 1,000. Appellant has demonstrated the special effectiveness for samples having an Air Permeability within the claimed range. Attention is drawn to the present specification at page 13. The Table under paragraph [00032] compares Air Permeability to Lather Release. Samples I and VI with Air Permeabilities of respectively 266 and 250 had poor ratings for Lather Release. Performance began to increase to at least a fair level above these values. For instance, samples IV and V with Air Permeability values of 371 and 341 revealed fair Lather Release properties. Further improvements were seen through sample II, III and VII with respective Air Permeability of 477, 678 and 529.

Suskind appears to use the same Air Permeability ASTM D737 test as utilized by appellant. Example 4 of Suskind reports an Air Permeability value of 148. See Table III. Example VI reports resultant fabric with Air Permeability of 248. See Table V. These values are less than the minimum 300 value required by the claims. Moreover, appellant has demonstrated that even the highest Air Permeability value of Suskind, i.e. 248 will result in a poor Lather Release result. Compare appellant's Sample VI at page 13. Anyone skilled in the art would not have obviously arrived at the presently claimed invention from consideration of the Suskind teachings or their combination with Wagner and Bouchette.

Are claims 10 and 11 obvious under 35 U.S.C. § 103(a) over Suskind et al. (U.S. Patent 4,808,467), Bouchette (U.S. Patent 6,110,848) and Wagner et al. (U.S. Patent 5,951,991) in further view of Bergquist (U.S. Patent 6,723,330 B2)?

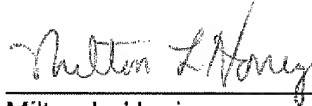
None of the four references discloses a textile having the claimed Air Permeability range. Appellant has shown special utility for a textile structured with the claimed high and low basis weight and 300 to 1000 Air Permeability. See comparative tests under the Example of the present specification.

Suskind et al. provides no suggestion or teaching that the textile disclosed therein would have any utility as a personal cleansing article. Those skilled in the art viewing the enormous literature of textile technology would not have selected the Suskind et al. fabric to deliver a formulation with surfactant or foaming ingredients.

Bergquist does not remedy the basic deficiencies of Suskind, Bouchette, Wagner and a combination thereof. See the discussion *vide supra*. For these reasons claim 10 and 11 are unobvious over the cited art.

In view of the foregoing comments, appellant requests the Board of Appeals and Interferences to reverse the Examiner's rejections of the claims.

Respectfully submitted,

A handwritten signature in cursive script, reading "Milton L. Honig", positioned above a horizontal line.

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MLH/sm
201-894-2403

VIII. CLAIMS APPENDIX

Claim 1. A non-woven hydroentangled textile formed in cross-section with a central area of low basis weight surrounded on both sides by areas of higher basis weight, the areas of higher basis weight being formed of fibers consisting of synthetic fibers, the textile having an Air Permeability ranging from 300 to 1000 and being incapable of separation in multiple layers after formation without destruction of the textile.

Claim 3. The textile according to claim 1 wherein the areas of higher basis weight on both sides in sum total relative to the central area of low basis weight has a basis weight ratio ranging from about 10:1 to about 2:1.

Claim 4. The textile according to claim 3 wherein the ratio ranges from about 6:1 to 2:1.

Claim 7. A personal cleansing article comprising:

- a) a non-woven hydroentangled textile formed in cross-section with a central area of low basis weight surrounded on both sides by areas of higher basis weight, the areas of the higher basis weight being formed of fibers consisting of synthetic fibers, the textile having an Air Permeability ranging from 300 to 1000 and being incapable of separation in multiple layers after formation without destruction of the textile; and
- b) a personal cleansing composition comprising a lathering surfactant deposited onto, impregnated into or at least being partially enclosed by the textile.

Claim 8. The article according to claim 7 wherein the lathering surfactant is present in amount from about 0.1 to about 30% by weight of the composition.

Claim 9. The article according to claim 7 wherein the personal cleansing composition further comprises from about 0.1 to about 35% by weight of a water-soluble or water-insoluble skin conditioning agent.

Claim 10. The article according to claim 7 wherein the personal cleansing composition further comprises effervescent ingredients capable of generating a foam upon contact with water.

Claim 11. The article according to claim 10 wherein the effervescent ingredients comprise an acid and a bicarbonate salt.

Claim 12. The article according to claim 7 wherein the areas of higher basis weight on both sides in sum total relative to the central area of low basis weight has a basis weight ratio ranging from about 10:1 to about 2:1.

Claim 13. The textile according to claim 1 wherein the areas of higher basis weight are formed of polypropylene.

Claim 14. The textile according to claim 1 within the areas of higher basis weight on both sides in sum total relative to the central area of low basis weight has a basis weight ratio ranging from 4:1 to 2:1.

Claim 15. The article according to claim 7 wherein the areas of higher basis weight are formed of polypropylene.

Claim 16. The article according to claim 7 wherein the areas of higher basis weight on both sides in sum total relative to the central area of low basis weight has a basis weight ratio ranging from 4:1 to 2:1.

Claim 17. The textile according to claim 1 wherein the area of low basis weight consist of fibers selected from the group consisting of polyethylene terephthalate, polypropylene, polyamide, polyethylene and fiber combinations thereof.

Claim 18. The article according to claim 7 wherein the area of low basis weight consist of fibers selected from the group consisting of polyethylene terephthalate, polypropylene, polyamide, polyethylene and fiber combinations thereof.

Claim 19. A non-woven hydroentangled textile formed in cross-section with a central area of low basis weight surrounded on both sides by areas of higher basis weight, the areas of higher basis weight being formed of fibers consisting of polypropylene, the textile having an Air Permeability ranging from 300 to 1000.

Claim 20. The textile according to claim 1 wherein the Air Permeability ranges from 500 to 1,000.

Claim 21. The article according to claim 7 wherein the Air Permeability ranges from 500 to 1,000.

Claim 22. The textile according to claim 19 wherein the Air Permeability ranges from 500 to 1,000.

IX. EVIDENCE APPENDIX

None.

X. RELATED PROCEEDINGS APPENDIX

None.